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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,532	10/29/2001	Hayato Kimura	01645/LH	9190
1933	7590	05/23/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			SONG, HOON K	
767 THIRD AVENUE			ART UNIT	
25TH FLOOR			PAPER NUMBER	
NEW YORK, NY 10017-2023			2882	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,532	KIMURA ET AL.	
	Examiner	Art Unit	
	Hoon Song	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 3-4 is withdrawn in view of the newly discovered reference(s) to Toshiyasu et al. (JP 08-334471). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pressesky (US 5898499) in view of Toshiyasu et al. (JP 08-334471).

Regarding claim 3, Pressesky teaches a disk inspection apparatus: for irradiating an inspection light on a surface of a rotating disk and inspecting surface conditions of the disk based on a reflected light, said disk inspection apparatus comprising:

- a turning table for rotating the disk (92);
- a photo sensor body (94) disposed opposite to the surface of the disk; and
- a transfer means (arrow) for reciprocally transferring the photosensor body in a direction perpendicular to a rotating direction of the disk along the surface of the disk (figure 6).

However Pressesky fails to teach the photosensor body comprises a fiber array constructed by arranging a plurality of separate sensor units as multi-channels, and

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wherein each of the sensor units comprises:

a light-applying fiber

a light-receiving fiber which is bundled with the light-applying fiber to form a fiber bundle,

a laser beam source to emit the inspection light to the light-applying fiber,

a photosensor to receive the reflected light via the light-receiving fiber; and

an objective optical system provided at a front end of the fiber bundle.

Toshiyasu teaches an optical inspection body comprising a fiber array constructed by arranging a plurality of separate sensor units as multi-channels, and

wherein each of the sensor units (12) comprises:

a light-applying fiber (13),

a light-receiving fiber (14a, 14b) which is bundled with the light-applying fiber to form a fiber bundle (12),

a laser beam source (23) to emit the inspection light to the light-applying fiber,

a photosensor (16a, 16b) to receive the reflected light via the light-receiving fiber;

and

an objective optical system (15) provided at a front end of the fiber bundle.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inspection system Pressesky with the photosensor body as taught by Toshiyasu, since photosensor body would provide lower manufacturing cost with high precision and would reduce time for scanning the surface of the disk (paragraph [0004] and [0005]).

Regarding claim 4, Toshiyasu teaches a plurality of the fiber arrays are arranged in plural lines (projecting fiber line 13, and receiving fiber line 14a, 14b) in a state such that phases of adjacent fiber arrays are shifted (the projecting fiber line and the receiving fiber line are shifted, figure 2).

Response to Arguments

Applicant's arguments with respect to claims 3-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID V. BRUCE
PRIMARY EXAMINER

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